STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

February 10, 1989

Thomas W. Brown, M.D.
410 Landerwood Lane
Chapel Hill, North Carolina 27514

Dear Doctor Brown:

Please find enclosed copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on February 8, 1989, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett MD

Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 746-514-665
RETURN RECEIPT REQUESTED

cc: Charles R. Janes, Esq.

CERTIFIED MAIL NO. P 746-514-666
RETURN RECEIPT REQUESTED

STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on February 8, 1989, including Motions approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Thomas W. Brown, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

February 10, 1989
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

THOMAS W. BROWN, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 8th day of February, 1989.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which is attached hereto and incorporated herein, and upon approval and confirmation by vote of the Board on February 8, 1989, the following Order is hereby entered on the Journal of the State Medical Board for the 8th day of February, 1989.

It is hereby ORDERED:

1. That Thomas W. Brown, M.D., shall be and is hereby REPRIMANDED for his misrepresentations and omissions with regard to his Ohio renewal applications.

2. Further, Dr. Brown's certificate to practice medicine and surgery in Ohio is hereby INDEFINITELY SUSPENDED.

3. The State Medical Board of Ohio shall not consider reinstatement of Dr. Brown's certificate to practice unless and until all the following minimum requirements are met:

   a. Dr. Brown shall submit an application for reinstatement, accompanied by appropriate fees and by a statement in writing that he intends to commence the practice of medicine and surgery in the State of Ohio.

   b. Dr. Brown shall provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees. In the event that any license held by Dr. Brown is restricted as a direct

result of this Order or his Connecticut Consent Order, Dr. Brown shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same.

c. Dr. Brown shall submit a minumum of two (2) psychiatric evaluations by physicians acceptable to the Board stating that Dr. Brown is not drug or alcohol dependent and that he is able to practice according to acceptable and prevailing standards of care. Each of these evaluations shall be in writing and shall state with particularity the basis for such determinations.

d. In the event that Dr. Brown has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Brown's fitness to resume practice.

4. Upon reinstatement of his Ohio license and his commencement of practice in Ohio, Dr. Brown's certificate shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:

a. Dr. Brown shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

b. Dr. Brown shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.

c. Dr. Brown shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.

d. Dr. Brown shall abstain from the personal use or possession of drugs, except for those available for purchase over the counter or those prescribed, administered, or dispensed to Dr. Brown by another so authorized by law who has full knowledge of Dr. Brown's history of chemical dependency.

Thomas W. Brown, M.D.

e. Dr. Brown shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.

f. Dr. Brown shall be ineligible to apply for or hold registration with the United States Drug Enforcement Administration, and shall not prescribe, dispense, or administer controlled substances without prior Board approval.

g. In the event that Dr. Brown should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Brown must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

h. Upon successful completion of probation, Dr. Brown's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

February 10, 1989
Date

DEC 29 1988

REPORT AND RECOMMENDATION
IN THE MATTER OF THOMAS W. BROWN, M.D.

The Matter of Thomas W. Brown, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 29, 1988.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of December 2, 1987 (State's Exhibit #1), the State Medical Board notified Thomas W. Brown, M.D., that it propsed to take disciplinary action against his certificate to practice medicine and surgery in Ohio for one or more of the following reasons:

1. The Board alleged that Dr. Brown suffered from "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice", as that clause is used in Section 4731.22(B)(26), Ohio Revised Code. This allegation was based upon the revocation of Dr. Brown's clinical privileges at the Naval Hospital in Groton, Connecticut, on or about August 12, 1985, based upon the findings of the Credentials Committee Fair Hearing Board, Department of Navy, that he had a chronic history of drug dependency extending at least six years prior to June, 1985.

2. In October, 1984, when applying for renewal of his Ohio certificate, Dr. Brown denied that he had been addicted to or dependent upon alcohol or any chemical substance since the time of his last renewal. In October, 1986, when he completed his next application for renewal, Dr. Brown failed to respond to the questions concerning addiction or disciplinary actions. The Board alleged that Dr. Brown's acts and omissions with respect to these renewal applications constituted:

a. "Fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code;

b. "Publishing a false, fraudulent, deceptive or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and

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c. "The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice", as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Dr. Brown was advised of his right to request a hearing in this Matter.

B. By letter received by the State Medical Board on December 28, 1987 (State's Exhibit #2), Michael H. Gertner, Esq., requested a hearing on behalf of Dr. Brown.

II. Appearances

A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Christopher J. Costantini, Assistant Attorney General

B. On behalf of the Respondent: Charles R. Janes, Esq.

III. Testimony Heard

A. Presented by the State

1. Thomas W. Brown, M.D., as on cross-examination

B. Presented by the Respondent

1. Herman Lineberger, M.D.

2. Judith Wegner, Law Professor and Associate Dean, University of North Carolina School of Law

3. Thomas W. Brown, M.D.

IV. Exhibits Examined

In addition to those noted above, the following exhibits were identified by the State and admitted into evidence in this Matter:

A. State's Exhibit #3: December 29, 1987, letter to Michael H. Gertner, Esq., advising that a hearing initially set for January 7, 1987, was postponed pursuant to Section 119.09, Ohio Revised Code.

B. State's Exhibit #4: June 20, 1988, letter to Attorney Gertner from the State Medical Board scheduling the hearing for September 26, 1988.

C. State's Exhibit #5: August 31, 1988, Journal Entry and Order of former Attorney Hearing Examiner Kouns granting the Respodnent's request for continuance of this Matter.

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D. State's Exhibit #6: September 9, 1988, letter to Attorney Gertner from the State Medical Board rescheduling the hearing for November 29, 1988.

E. State's Exhibit #7: Dr. Brown's Ohio Application for Biennial License Renewal for the 1985-86 registration period.

F. State's Exhibit #8: Dr. Brown's Ohio Application for Biennial License Renewal for the 1987-88 registration period.

G. State's Exhibits #9A through #9H: Certified copies of documents pertaining to the August 12, 1985, revocation of Dr. Brown's clinical privileges at the Naval Hospital, Groton, Connecticut.

H. State's Exhibit #10: Unsigned copy of a Consent Order entered into between Dr. Brown and the Connecticut Department of Health Services, Division of Medical Quality Assurance (per Dr. Brown's testimony, this is an accurate copy of the Consent Order he signed in summer, 1986).

FINDINGS OF FACT

1. On August 12, 1985, the clinical privileges of Thomas W. Brown, M.D., were revoked pursuant to the findings and recommendation of the Credentials Committee Fair Hearing Board, Department of Navy, Naval Hospital, Groton, Connecticut. That committee found that Dr. Brown had purchased large quantities of controlled drugs for personal use for at least six years prior to detection in June, 1985. In the committee's opinion, Dr. Brown had a chronic history of drug dependency and was an impaired physician. However, a review of his clinical records had produced no evidence that patient safety or welfare had been threatened.

   These facts are established by State's Exhibit #9 and by the admissions of Dr. Brown.

2. Sometime in the summer of 1986, Dr. Brown entered into a Consent Order with the Connecticut Department of Health Services, Division of Medical Quality Assurance By the terms of that Consent Order, Dr. Brown's license to practice medicine in Connecticut was suspended, said suspension being stayed subject to the terms and conditions of a three-year probation. That Consent Order (identified and admitted as State's Exhibit #10), which includes various admissions by Dr. Brown, is fully incorporated herein by reference as findings in this Matter.

   These facts are established by State's Exhibit #10 and by the testimony of Dr. Brown (Tr. at 23-26).

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3. Paragraph 3h of Dr. Brown's Consent Order with the Connecticut licensing authority states: "If during the period of probation he should practice medicine in another State or apply for a medical and/or health related license in another State, he shall provide the licensing Board in that State with a copy of this Consent Order. He shall provide a copy of this Consent Order to the Licensing Boards of all states where he currently holds or has held a license to practice medicine. If he fails to provide said licensing Board with a copy of this Consent Order the Department of Health Services shall be empowered to do so." Nevertheless, at no time did Dr. Brown provide a copy of the Connecticut Consent Order to the State Medical Board of Ohio.

   These facts are established by State's Exhibit #10 and by the testimony of Dr. Brown (Tr. at 25-26).

4. On or about October 10, 1984, Dr. Brown submitted to the State Medical Board of Ohio an Application for Biennial License Renewal for the 1985-86 registration period. On this application, Dr. Brown responded "No" to the question, "At any time since the last renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance?" In fact, during the preceding biennium, Dr. Brown had been addicted to or dependent upon controlled drugs. Dr. Brown testified at hearing that, at the time he gave this incorrect response, he had believed his answer to be correct.

   These facts are established by State's Exhibit #7 and by the testimony of Dr. Brown (Tr. at 19-22, 71-73).

5. On or about October 21, 1986, Dr. Brown submitted to the State Medical Board of Ohio an Application for Biennial License Renewal for the 1987-88 registration period. On this application, Dr. Brown failed to respond to the questions: "At any time since the last renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance"; "At any time since the last renewal of your certificate have you had any disciplinary action taken or initiated against you by a state licensing agency"; "At any time since the last renewal of your certificate have you surrendered or consented to limitation upon a license to practice medicine, or state or federal privileges to prescribe controlled substances"; and "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked". In fact, during the preceding biennium, Dr. Brown had been addicted to or dependent upon controlled drugs; had consented to the terms of a three-year probation with regard to his Connecticut medical license; and had had his privileges at the Naval Hospital in Groton, Connecticut, revoked.

   These facts are established by State's Exhibits #8 through #10 and by the testimony of Dr. Brown (Tr. at 22-28, 74-76).

6. Dr. Brown testified at hearing that his primary drug of abuse from 1979 to 1985 had been Hycodan, a Schedule III narcotic antitussive. By June, 1985, Dr. Brown's drug use had progressed to the point where he was taking a couple of pills every four hours, even when he was at work.

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On January 26, 1986, approximately seven months after the discovery of his drug purchases and use by the Naval authorities, Dr. Brown entered the Tri-Service Drug and Alcohol Treatment Center at the Naval Hospital in Bethesda, Maryland, for inpatient treatment in a drug and alcohol rehabilitation program. He was released from that program in March, 1986. Dr. Brown has since maintained active participation in NA, AA, and Caduceus programs. He has also submitted to random drug screenings pursuant to his Connecticut Consent Order. Since September, 1986, he has been engaged in psychotherapy under the care of Dr. Herman Lineberger.

Dr. Lineberger has treated Dr. Brown on a twice-weekly basis for both opioid abuse in remission and generalized anxiety disorder. In Dr. Lineberger's opinion, Dr. Brown has been drug-free since June, 1985, and is currently fit to practice medicine. However, Dr. Lineberger recommended that Dr. Brown continue his current counseling, drug screens, and rehabilitation programs for a period of at least one year after his transition to a new job. Although he felt that the psychotherapy and drug screens could then be discontinued, he recommended that Dr. Brown's participation in rehabilitation programs such as AA, NA, or Caduceus continue for a longer time.

These facts are established by the testimony of Dr. Brown (Tr. at 14-19, 31-37, 68-69) and by the testimony of Dr. Lineberger (Tr. at 41-56).

CONCLUSIONS

1. The acts, conduct, and/or omissions of Thomas W. Brown, M.D., as set forth in the above Findings of Fact, constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice", as that clause is used in Section 4731.22(B)(26), Ohio Revised Code. By his own admission, Dr. Brown's disease of substance abuse, though in remission, is not cured. The evidence in this Matter establishes a history of at least six years of drug abuse and dependency which admittedly involved use of a substantial amount of controlled substances, even during working hours. Dr. Brown's actions are significantly mitigated by the facts that he underwent inpatient treatment, has since maintained participation in appropriate aftercare, and has apparently remained drug-free since June, 1985; however, he must be considered an impaired physician subject to the monitoring of this Board until he has demonstrated his ability to maintain sobriety over the long term.

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2. In October, 1984, when Dr. Brown completed his Ohio renewal application denying that he had been addicted to or dependent upon alcohol or any chemical substance, he was in fact addicted to or dependent upon controlled drugs. Therefore, such denial constitutes a misrepresentation of fact. Nevertheless, such misrepresentation would not appear to rise to the level of intentional fraud or deception. This Board will recognize from its collective experience with issues of dependency that denial is a symptom of chemical dependency. Although Dr. Brown was certainly aware that he was taking drugs for non-medical purposes, it is likely that he was in a denial stage with regard to his dependency.

   Accordingly, it is concluded that Dr. Brown's incorrect answer on his renewal application for the 1985-86 biennium constituted a misrepresentation of fact in violation of Sections 4731.22(A) and 4731.22(B)(5), Ohio Revised Code. However, the evidence in this Matter is insufficient to support a conclusion that this incorrect answer constituted violation of Section 4731.22(B)(8), Ohio Revised Code.

3. In October, 1986, on his renewal application for the 1987-88 biennium, Dr. Brown failed to answer any of the questions concerning addiction or dependency, disciplinary actions, limitations upon a license, and/or suspension or revocation of hospital privileges. Dr. Brown admitted that these omissions were intentional. He believed that disclosure of his problems would result in rejection of his application, even though he had been drug-free for some time and was doing everything he should to get well (Tr. at 74). He further noted that, although the renewal card indicated that a response to the question concerning convictions was required, there was no indication that a response was required to the questions he omitted. Therefore, having concluded that he had no affirmative duty to answer those questions, he chose a course of action which he believed would delay, rather than avoid, disclosure of his difficulties. He felt sure that the Ohio Board would return his application as incomplete or request information with regard to the questions he had left unanswered (Tr. at 27-28). He pointed out that he had not deceived the Board by providing false information, but had merely omitted information which he considered to be, not only potentially damaging, but also unnecessary.

   While information concerning chemical dependency and disciplinary actions is not specified as information required for biennial registration under Section 4731.281, Ohio Revised Code, such information is clearly material to this Board's determination of a physician's fitness to retain full and unrestricted licensure in this State. The authority to request and obtain such information is inherent in the Board's authority to regulate and to establish standards for physicians practicing in this State. A physician who wishes to practice in this State is subject to the Board's authority. Further, because of this Board's role in protecting the public, the determination of the appropriate time, place, and manner for requesting and obtaining disclosure of pertinent information cannot be left to the discretion of the individual physician. Dr. Brown's decision to withhold the information the Board requested on its renewal application until such time as the Board might again request it, is simply unacceptable.

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Although Dr. Brown's candor at hearing may be considered in mitigation, it is apparent that Dr. Brown intentionally failed to disclose facts material to the Board's determination of his fitness to practice in order to enhance his chances of retaining full and unrestricted licensure in Ohio. Consequently, it is concluded that Dr. Brown's acts and omissions with regard to his renewal application for the 1987-88 biennium constitute:

a. "Fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code;

b. "Publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and

c. "The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice", as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

1. Thomas W. Brown, M.D., shall be and is hereby REPRIMANDED for his misrepresentations and omissions with regard to his Ohio renewal applications.

2. Further, Dr. Brown's certificate to practice medicine and surgery in Ohio is hereby INDEFINITELY SUSPENDED.

3. The State Medical Board of Ohio shall not consider reinstatement of Dr. Brown's certificate to practice unless and until all the following minimum requirements are met:

   a. Dr. Brown shall submit an application for reinstatement, accompanied by appropriate fees and by a statement in writing that he intends to commence the practice of medicine and surgery in the State of Ohio.

   b. Dr. Brown shall provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees. In the event that any license held by Dr. Brown is restricted as a direct result of this Order or his Connecticut Consent Order, Dr. Brown shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same.

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c. Dr. Brown shall submit a minimum of two (2) psychiatric evaluations by physicians acceptable to the Board stating that Dr. Brown is not drug or alcohol dependent and that he is able to practice according to acceptable and prevailing standards of care. Each of these evaluations shall be in writing and shall state with particularity the basis for such determinations.

d. In the event that Dr. Brown has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Brown's fitness to resume practice.

4. Upon reinstatement of his Ohio license and his commencement of practice in Ohio, Dr. Brown's certificate shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:

a. Dr. Brown shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

b. Dr. Brown shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.

c. Dr. Brown shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.

d. Dr. Brown shall abstain from the personal use or possession of drugs, except for those available for purchase over the counter or those prescribed, administered, or dispensed to Dr. Brown by another so authorized by law who has full knowledge of Dr. Brown's history of chemical dependency.

e. Dr. Brown shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.

f. Dr. Brown shall be ineligible to apply for or hold registration with the United States Drug Enforcement Administration, and shall not prescribe, dispense, or administer controlled substances without prior Board approval.

g. In the event that Dr. Brown should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Brown must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

h. Upon successful completion of probation, Dr. Brown's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Wanita J. Sage
Wanita J. Sage
Attorney Hearing Examiner

DEC 29 1986

EXCERPT FROM THE MINUTES OF FEBRUARY 8, 1989

REPORTS AND RECOMMENDATIONS

Ms. Thompson, Mr. Dilling, Mr. Dowling, Mr. Costantini, and Ms. Belenker left the meeting at this time.

.....

Dr. O'Day asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matter of Thomas Brown, M.D. A roll call was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Barnes	- aye
	Dr. Stephens	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. O'Day	- aye

REPORT AND RECOMMENDATION IN THE MATTER OF THOMAS BROWN, M.D.

.....

DR. GRETTER MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF THOMAS BROWN, M.D. DR. STEPHENS SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Barnes	- aye
	Dr. Stephens	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. O'Day	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
65 South Front Street
Suite 510
Columbus, Ohio 43266-0315

December 2, 1987

Thomas W. Brown, M.D.
112 Maxwell Road
Chapel Hill, North Carolina 27514

Dear Doctor Brown:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about August 12, 1985, final action was taken on report of the Credentials Committee Fair Hearing Board, Department of the Navy, Naval Hospital, Groton, CT. This report found that you had purchased large quantities of controlled drugs for personal use, and that the purchase and use of controlled drugs extended at least six (6) years prior to detection in June, 1985. Based upon the findings and the opinion of the Committee that you have a chronic history of drug dependency, your clinical privileges were revoked.

The acts or omissions as alleged in Paragraph 1, above, constitute "impairment of ability to practice according to acceptible and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice", as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

(2) On or about October 10, 1984, you signed the biennial renewal card to renew your Ohio certificate to practice medicine or surgery. In response to the question "at any time since the last renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance" you stated "No". In fact, during the preceeding biennium, you had been addicted to or dependent upon controlled drugs.

(3) On or about October 21, 1986, you signed the biennial renewal card to renew your certificate to practice medicine or surgery in Ohio. You failed to respond to the questions "at any time since the last renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance" and "at any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked". In fact, during the preceeding biennium, you had been addicted to or dependent upon controlled drugs and your privileges at the Naval Hospital, Groton, CT, had been revoked.

The acts and omissions as alleged in Paragraphs (2) and (3) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board", as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts as alleged in Paragraph (2) above, individually and/or collectively, also constitute "publishing a false, fraudulent, deceptive or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, such acts as allegedin Paragraph (2) above, individually and/or collectively, constitute the "obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

STATE OF OHIO
THE STATE MEDICAL BOARD

December 2, 1987

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Henry G. Cramblett, M.D.
Secretary

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enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 398
RETURN RECEIPT REQUESTED